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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,814	04/19/2001	Shinji Tanaka	1139-01	6169

7590

10/29/2002

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EXAMINER

THORNTON, YVETTE C

ART UNIT

PAPER NUMBER

1752

DATE MAILED: 10/29/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,814

Applicant(s)

TANAKA ET AL.

Examiner

Yvette C. Thornton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is written in reference to application number 09/807814 filed on April 19, 2001, which is a 371 of PCT JP00/05911.

Claim Objections

1. Claims 4 and 5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4 and 5 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Baryznski et al. (US 4555471 A). Baryznski teaches a multilayer image recording material suitable for the production of a relief image, which comprises, located one on top the other a dimensionally stable support (S); a photosensitive relief forming layer (RL); an intermediate layer (I) which is transparent to actinic light in the wavelength of 300-420 nm; and a mask forming layer (ML). The mask forming layer is sensitive to heat radiation and contains a thermochromic system which when irradiated with an IR laser undergoes an irreversible change in its absorption spectrum so that the optical density of the mask forming layer

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changes by not less than 1.3 units (see claims 1-3). The thermochromic system has an optical density of less than 0.5, preferably not more than 0.35, prior to being irradiated with IR laser and not less than 1.8, preferably greater than 3.0, after irradiation in the region of 300-420 nm (c. 2, l. 48-62). The photosensitive relief forming layer (RL) contains a polymeric binder, an ethylenically unsaturated photopolymerizable compound and a photoinitiator (c. 6, l. 24-c. 7, l. 40). The intermediate layer (I) consists of a transparent film forming polymer such as polyethylene, polypropylene, and polyester. The intermediate layer serves to prevent diffusion of components of the ML into the RL and vice versa. The intermediate layer generally exhibits only moderate adhesion to the RL, therefore, the ML can be readily removed by peeling from the RL after exposure to actinic light and before development of the relief image. The intermediate layer is preferably from 5 to 135 μm thick (c. 7, l. 41-65). The production of the relief image is carried out as follows: (1) The mask forming layer is to imagewise irradiation with heat, in particular using an IR laser having a wavelength greater than 1.00 μm . (2) The photosensitive relief-forming layer underneath the resulting mask layer is then exposed through the mask layer to actinic light having a wavelength of from 00 to 420 nm. (3) After this exposure, the intermediate layer together with the mask layer is removed from the exposed relief forming layer and the relief is developed in a conventional manner, generally by washing with a suitable solvent (c. 8, l. 29-52). It is the examiner's position that the taught photosensitive relief forming layer constitutes the claimed photosensitive layer; the taught intermediate layer constitutes the claimed film layer and the taught mask forming layer meets the limitations of the claimed optical density changing layer.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Fan (US 5262275 A), which teaches a flexographic printing element having an IR ablatable layer and a process for making a flexographic printing plate.
- Van Damme et al. (EP 803769 A1) which teaches an imaging element for making a lithographic printing plate wherein the image element comprises a thermosensitive mask.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvette C. Thornton whose telephone number is 703-305-0589. The examiner can normally be reached on Monday-Thursday 8-6:30.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet C. Baxter can be reached on 703-308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1193.

****Please note that the examiner has recently changed her name from "Clarke" to "Thornton".****

yct YCT
October 25, 2002


JANET BAXTER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700